



# EPA NPDES Storm Water Program

## 1992 Baseline Construction Permit and 1998 Construction Permit Comparison (8/26/98)

### Difference in Storm Water Pollution Prevention Plans (SWPPP)

#### 1) Changes in Site Description requirements

- pre-construction runoff coefficient
- a general location map
- location of off-site material, waste, borrow or equipment storage areas
- location and description of support activities (dedicated asphalt and concrete plants)
- wetlands that are on site, nearby or receive discharges from the project
- copy of the permit language must be included
- information on endangered or threatened species or critical habitat
  - whether in proximity to site
  - whether such species may be effected by discharges or discharge activities
- information on historical preservation of site listed or eligible for listing on the National Register of Historic Places
  - whether site may be effected by storm water discharges or discharge activities
  - any written agreement with State(or Tribal) Historic Preservation Officer

#### 2) Controls

- which permittee is responsible for what measures and controls
- erosion/sediment controls must be designed to keep sediment on-site to the extent practicable
- controls must be installed according to manufacturers guidelines and good engineering practices
- sediment escaping site must be removed to minimize off-site impacts
- sediment must be removed from sediment traps/ponds when capacity is 50%
- litter shall be prevented from becoming a pollutant
- offsite storage and borrow areas shall be considered in the SWPPP
- areas experiencing drought have been added as a consideration to the stabilization practices
- placement of structural practice in a flood plain should be avoided
- the requirements for the size of a sedimentation basin have been changed from 3600 cu. ft/ acre to 3600 cu. ft/acre or volume based on runoff from a 2 year, 24 hr storm
- public safety must be considered when designing a sedimentation basin
- a description of construction and waste materials stored on site
- a description of controls used to reduce pollutants for materials stored on site, including minimizing exposure to storm water and spill prevention and response

- description of pollutant sources from support activities (dedicated asphalt and concrete plants)
- controls used to minimize pollutants from support activities
- description of measures necessary to protect endangered or threaten species or critical habitat

### 3) Maintenance

- requirements that maintenance on control that are identified in the inspections must be repaired prior to the next anticipated storm event, or as necessary to maintain the effectiveness of the controls. If impracticable, then as soon as practicable.

### 4) Inspections

- inspections require every 14 days and 24 hours after ½ inch rain, instead of every seven days and 24 hours after ½ inch rain
- waiver of monthly inspection requirement until one month before thawing condition under certain conditions
- specification of major observations to be made during inspections
  - locations of discharges of sediment or other pollutants from the site
  - locations BMPs that are need of maintenance
  - locations BMPs that are not performing failed to operate or were inadequate
  - locations where additional BMPs are needed

### 5) Contractor Certification no longer required

## Other changes in permit requirements

### 1) Coverage

- support activities (dedicated asphalt plant and dedicated concrete plants) are eligible for NPDES coverage under this permit
- discharges and discharge-related activities not protective of threaten or endanger species or critical habit are not covered by this permit
- applicant must certify that it meets at least one of the following criteria
  - (1) Storm water discharges are not likely to effect Threatened or endangered species or critical habitat
  - (2) formal or informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the Endangered Species Act
  - (3) activities are authorized under section 10 of the Endangered Species Act
  - (4) that the applicant's storm water discharges were addressed in a previous operator's application
- all projects commencing after July 6, 1998 must follow the procedure in Addendum A of the permit

- coverage may be terminated on those areas where temporary stabilization has been completed and the residence has been transferred to the homeowner

## 2) NOI Requirements

- the approved NOI form has changed to form 3510-9
- operators are not prohibited from submitting late NOIs
- operators that submitted an administrative extension must update their SWPPP and obtain permit coverage (by submitting a new NOI) by October 4, 1998
- operators that did not apply for and administrative extension or applied after September 9, 1997 must submit an NOI immediately and update their SWPPP by October 4, 1998
- NOI must contain an indication of whether the site is on Indian Country lands
- if the SWPPP is not able to be at the site the address where it will be located must be included on the NOI
- the NOI must specify if an threatened or endangered species, or critical habitat are in proximity to the discharge of discharge related activities
- the NOI must specify which section of Part I.B.3.e.(2) (see "1) Coverage" above) was used to determine the status of site in relation to threatened or endangered species or critical habitat
- section, township and range can not longer be used to specify the location of the site
- the following is no longer required on the NOI
  - preexisting NPDES permit numbers
  - the name of the multiple separate storm sewer system operator
  - whether the operator has existing quantitative data regard discharges

## 3) Special Conditions, Management Practices, and Other Non-numeric Limitations

- irrigation was removed from the list of allowable non-storm water discharges
- waters used to wash vehicles where detergents are not used were added to the list of allowable non-storm water discharges as long as offsite tracking is minimized
- operators shall not cause or contribute or have a reasonable potential to cause or contribute to a violation of a water quality standard
- responsibilities of permittees with operational controls over construction plans and specifications are as follows
  - Make sure the SWPPP meets the minimum requirements
  - Ensure that the SWPPP makes the areas they have operational control over project specifications
  - Notify other permittees implementing portion of the SWPPP of changes made to the SWPPP in a timely manner
  - Make sure that the SWPPP identifies operators with day-to-day control
  - Is responsible as the day-to-day operators until they are assigned
- responsibilities of permittees with day-to-day operational control are as follows
  - Ensure that the SWPPP meets the minimum requirements and identifies

parties responsible for implementation of control measures  
Make sure the SWPPP indicates the areas where they have control  
Ensure the SWPPP has the name and permit number of the operator  
with control over site specifications

- permittees with control over a portion of the site must make sure their activities do not make another permittees controls ineffective
- SWPPPs must be consistent with the Texas Coastal Management Program

4) Storm Water Pollution Prevention Plans (in addition to those areas mentioned in the first section the following changes also apply)

- the permittee must post (near a main entrance)
  - A copy of the NPDES permit number or a copy of NOI
  - The name and telephone number of a local contact person
  - A brief description of the project
  - The location of the SWPPP if the site is inactive or does not have an on-site storage location for the SWPPP

5) Retention of Records

- no significant changes
- correction: Address should be United States EPA, Region 6, Storm Water Staff, Enforcement and Compliance Assurance Division (6EN-WC), EPA SW Construction GP, P.O. Box 50625, Dallas, TX 75205

6) Standard Permit Conditions

- citation of Civil Monetary Penalty Adjustment Rule
- citation that civil and administrative penalties have increased 10%
- automatic extension of permit at the time of expiration

7) Reopener Clause

- EPA may propose a modification after further discussion with the Advisory Council on Historical Preservation

8) Termination of Coverage

- no significant changes

9) Definitions

- added definitions
  - Control measure
  - Discharge

Discharge of Storm Water Associated With Construction Activity  
Facility or Activity  
Operator  
Owner or Operator  
Pollutant

- eliminated the definition of Dedicated portable concrete plant
- changed the definition of Final Stabilization the definition is now as follows  
All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed;

or

For individual lots in residential construction, the homebuilder finally stabilizing the lot as above, or establishing temporary stabilization including perimeter controls for an individual lot prior to occupation of a home by the homeowner and informing the homeowner of the need for, and the benefits of final stabilization;

or

For construction projects on land used for agricultural purposes , final stabilization may be accomplished by returning the land to its preconstruction use. Area not previously used for agriculture activities must be stabilized as above

#### 10) State Specific Conditions

- added specific condition for  
Pueblo of Isleta  
Pueblo of Nambe  
Pueblo of Picuris  
Pueblo of Pojoaque  
Pueblo of Sandia  
Pueblo of Tesuque  
Santa Clara Pueblo
- State of Texas added specific numeric limitations for ready-mixed concrete plants

Addendum A was added to assist in the determination of impacts on threatened and endangered species, and critical habitat